IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1235 OF 2006

Sonal Deepak Jolly .. Petitioner.
Vs.
Popular Car Bazar & Ors. .. Respondents.

Ms.Arti Gaikwad i/b Mr.G.R.Mishra for the petitioner.
Mr.Rahul D.Motkari i/b V.Z.Kankaria for respondent no.1.
Mr.U.V.Nikam A.P.P. for the State.

CORAM : D.B.BHOSALE, J.
DATED : 31ST JULY, 2006

P.C.:

. Heard learned counsel for the petitioner and respondent no.1 and learned A.P.P. for the State.

2. This petition has been adjourned from time to time and on most of the occasions it has been adjourned at the request of learned counsel for the petitioner. Today once again the request was made, on behalf of Mr.G.R.Mishra, advocate on record, by Ms.Gaikwad, learned advocate. When I refused to adjourn the matter and asked her to address on merits she expressed her inability to address the court on merits. In view thereof I was constrained to go through the papers with the assitance of learned counsel for respondent no.1. It appears that in the present petition, the petitioner has challenged the orders passed by the courts below on Miscellaneous Application bearing Nos.525/N/04 and 526/N/2004 in

C.R.No.501/04 under section 451 of the Code of Criminal Procedure seeking return of Maruti Zen Car bearing registration No.MH-02-N-3360. The operative order passed by the Magistrate reads thus:

> . "The application No.526/N/04 of M/s.Popular Car Bazar is allowed. Return of property i.e. Maruti Zen car bearing Regn. No.MH-02-N-3360 attached by Malad police under C.R.No.501/04 to Mr.Ganesh Nautial of M/s.Popular Car Bazar on his executing bond of Rs.1,70,000/- with a surety of like amount and on the condition that he will return the car to the Court as and when ordered by the Court. The application No.525/N/04 of the complainant is rejected.
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> . The complainant wants to prefer revision/appeal against the order passed today and has requested to stay the order for two weeks. In order to enable the complainant to file revision or appeal against the order, stay is granted to the order till 17.2.2005".

3. This order was carried by the petitioner in the revision and the revision was also dismissed on 6th May, 2006. I perused both these orders. I did not find any infirmity worth mentioning in the orders passed by the courts below. The custody of the vehicle has been given to the respondents on his execution of bond of Rs.1,75,000/- with surety of the like amount on the condition that he will return the car to the court as and when ordered by the Court. I am informed that the car has already been returned to the respondents. Keeping that in view I find no reason to interfere with the order impugned in the present writ petition. The writ petition is, accordingly, dismissed.

(D.B.Bhosale, J.)